

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAP 111 ENTERPRISES LLC, 251 E.
MAIN ST., LLC, 67 PURCHASE ST LLC,
PUB STREET PLEASANTVILLE LLC,
AND LOCALI KITCHEN & BAR LLC,

on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

MANHATTAN BEER DISTRIBUTORS,
LLC, SIMON BERGSON, AND MICHAEL
MCCARTHY,

Defendants.

Case No.: 22-CV-1408 (CS) (AEK)

**PLAINTIFFS' NOTICE OF UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF THE CLASS ACTION
SETTLEMENT AND RELATED RELIEF**

PLEASE TAKE NOTICE THAT upon the parties' Class Action Settlement Agreement (the "Settlement Agreement"), annexed as Exhibit A to the Declaration of J. Burkett McInturff in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of the Class Action Settlement and Related Relief (the "McInturff Declaration"); the accompanying Memorandum of Law; and all other papers and proceedings herein, Plaintiffs Cap 111 Enterprises LLC, 251 E. Main St., LLC, 67 Purchase St LLC, Pub Street Pleasantville LLC, and Locali Kitchen & Bar LLC ("Plaintiffs") hereby move this Court under Federal Rule of Civil Procedure 23 and Rule 7.1 of the Local Civil Rules for the United States District Courts for the Southern and Eastern Districts of New York for

an Order:

- (1) granting preliminary approval of the settlement set forth in the Settlement Agreement;
- (2) preliminarily certifying the proposed Class for settlement purposes;
- (3) approving the parties' notice plan and directing its execution;
- (4) appointing Wittels McInturff Palikovic as Class Counsel;
- (5) scheduling the Final Approval Hearing; and
- (6) granting such other relief as the Court deems just and proper.

In support of their Motion, Plaintiffs rely on the accompanying Memorandum of Law and the McInturff Declaration, both dated December 9, 2024, and all exhibits annexed thereto.

Dated: December 9, 2024
New York, New York

Respectfully submitted,

WITTELS MCINTURFF PALIKOVIC

By: /s/ J. Burkett McInturff
J. Burkett McInturff
Steven L. Wittels
Tiasha Palikovic
Ethan D. Roman

WITTELS MCINTURFF PALIKOVIC

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